

Hon. Charles A. Legge (Ret.)
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Special Master

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Master File No. 3:07-cv-05944-SC
MDL No. 1917

This Document Relates to:

Electrograph Systems, Inc., et al. v. Hitachi, Ltd., et al., No. 11-cv-01656;

Alfred H. Siegel, as Trustee of the Circuit City Stores, Inc. Liquidating Trust v. Hitachi, Ltd., et al., No. 11-cv-05502;

Best Buy Co., Inc., et al. v. Hitachi, Ltd., et al., No. 11-cv-05513;

Target Corp, et al. v. Chunghwa Picture Tubes, Ltd., et al., No. 11-cv-05514;

Interbond Corporation of America v. Hitachi, et al., No. 11-cv-06275;

Office Depot, Inc. v. Hitachi Ltd., et al., No. 11-cv-06276;

CompuCom Systems, Inc. v. Hitachi, Ltd., et al., No. 11-cv-06396;

**[PROPOSED] REPORT AND
RECOMMENDATION RE: DIRECT
ACTION PLAINTIFFS' MOTION FOR
LEAVE TO FILE AMENDED
COMPLAINTS**

**[PROPOSED] REPORT AND RECOMMENDATION RE: DIRECT ACTION
PLAINTIFFS' MOTION FOR LEAVE TO FILE AMENDED COMPLAINTS**
Case No. 3:07-05944-SC
MDL No. 1917

Costco Wholesale Corporation v. Hitachi, Ltd., et al., No. 11-cv-06397;

P.C. Richard & Son Long Island Corp., et al. v. Hitachi, Ltd., et al., No. 12-cv-02648;

Schultze Agency Services, LLC, et al. v. Hitachi, Ltd., et al., No. 12-cv-02649.

1 To the Honorable Samuel Conti, United States District Judge:

2 This matter came before the Special Master on the Direct Action Plaintiffs' ("Plaintiffs")
3 Motion for Leave to File Amended Complaints. Having carefully considered the briefs and other
4 submissions of Plaintiffs and Defendants, as well as oral arguments by counsel at the hearing, the
5 Special Master makes the following findings and recommendations:

6 1. Given that the Ninth Circuit grants motions for leave to amend with "extreme
7 liberality" (*Eminence Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1051 (9th Cir. 2003), and
8 because Defendants will not suffer any undue prejudice, the Special Master recommends that the
9 Court grant Plaintiffs' motion for leave to amend the complaint to add the following new
10 defendants: Technicolor SA (f/k/a Thomson SA); Technicolor USA, Inc. (f/k/a Thomson
11 Consumer Electronics, Inc.); Mitsubishi Electric Corp.; Mitsubishi Digital Electronics America,
12 Inc.; and Mitsubishi Electric & Electronics, USA, Inc. (and, in the case of Plaintiff Costco
13 Wholesale Corp., to add as defendants Samsung SDI Co., Ltd.; Samsung SDI America, Inc.;
14 Samsung SDI Mexico S.A. de C.V.; Samsung SDI Brasil Ltda.; Shenzhen Samsung SDI Co.,
15 Ltd.; Tianjin Samsung SDI Co., Ltd.; and Samsung SDI (Malaysia) Sdn. Bhd.); to add as a non-
16 party co-conspirator Videocon Industries, Ltd. (and, in the case of Costco Wholesale Corp., to
17 add as non-party co-conspirators Panasonic Corp.; Panasonic Corp. of North America; MT
18 Picture Display Co., Ltd.; Matsushita Electronic Corp. (Malaysia) Sdn Bhd.; and Panasonic
19 Consumer Electronics Co.); and to assert additional, perfunctory allegations relevant to *American*
20 *Pipe*, Cross-Jurisdictional, and Government Action Tolling.

21 2. Plaintiffs are directed to file their amended complaints, copies of which are
22 attached hereto as Exhibits A-K, within one week of the date of this order.

1 DATED:_____

Hon. Charles A. Legge
United States District Judge (Ret.)
Special Master

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4 The Report and Recommendations are Accepted and Ordered / Denied / Modified.

5 DATED:_____

Hon. Samuel Conti
United States District Judge